

EXHIBIT 55

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

~~~~~

IN RE: NATIONAL PRESCRIPTION MDL No. 2804  
OPIATE LITIGATION

Case No.  
17-md-2804

Judge Dan Aaron  
Polster

This Document Relates To:  
Track Eight  
Cobb County, Georgia.  
Case No. 1:18-op-45817-DAP.

~~~~~

Remote videotaped deposition of
DENNIS M. TROUGHTON, SR.

September 14, 2023
9:24 a.m.

Renee L. Pellegrino, RPR

1 REMOTE APPEARANCES:

2 On behalf of the Plaintiff:

3 Simmons Hanly Conroy

4 JO ANNA POLLOCK, ESQ.

5 One Court Street

6 Alton, Illinois 62002

7 (618) 693-3104

8 jpollock@simmonsfirm.com

9 - and -

10 Simmons Hanly Conroy

11 LAURA FITZPATRICK, ESQ.

12 SANFORD SMOKLER, ESQ.

13 112 Madison Avenue

14 7th Floor

15 New York, New York 10016-7416

16 (212) 257-8482

17 lfitzpatrick@simmonsfirm.com

18 ssmokler@simmonsfirm.com

19 - and -

20 Napoli Shkolnik PLLC

21 SALVATORE BADALA, ESQ.

22 400 Boardhollow Road, Suite 305

23 Melville, New York 10017

24 (844) 860-0949

25 sbadala@napolilaw.com

On behalf of the Witness:

Georgia Department of Law

MAX CHANGUS, ESQ.

40 Capital Square SW

Atlanta, Georgia 30334

mchangus@law.ga.gov

On behalf of Publix:

Barnes & Thornburg

MEREDITH WHITE, ESQ.

MONICA BROWNEWELL SMITH, ESQ.

11 S. Meridian Street

Indianapolis, Indiana 46204

(317) 236-1313

mwhite@btlaw.com

mbrownewell@btlaw.com

- - - - -

1 REMOTE APPEARANCES, CONT'D:

2 On behalf of Publix:

Barnes & Thornburg

3 JULIA STEPANOVA, ESQ.

3340 Peachtree Road, N.E., Suite 2900

4 Atlanta, Georgia 30326

(404) 846-1693

5 jstepanova@btlaw.com

6 On behalf of Kroger:

Bowles & Rice LLP

7 FAZAL SHERE, ESQ.

HIEN PHAM, ESQ.

8 600 Quarrier Street

Charleston, West Virginia 25301

9 (304) 281-1289

fshere@bowlesrice.com

10 hpham@bowlesrice.com

11
12 ALSO PRESENT:

13 Kurt Henschel, Videographer

14 Jake Franks, Concierge-Tech

15 Bill Hammond, Esq.

16
17 - - - - -
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TRANSCRIPT INDEX

APPEARANCES2

INDEX OF EXHIBITS5

INDEX OF OBJECTIONS9

EXAMINATION OF DENNIS M. TROUGHTON, SR.:

BY MS. WHITE12

BY MR. SHERE128

BY MS. FITZPATRICK159

AFTERNOON SESSION159

REPORTER'S CERTIFICATE350

EXHIBIT CUSTODY - RETAINED BY COURT REPORTER

INDEX OF EXHIBITS

Number	Description	Marked
Exhibit 1	Second Amended Notice of Remote 30(b)(6) Deposition of the Georgia Drugs and Narcotics Agency	22
Exhibit 2	Georgia Drugs and Narcotic Agency's Objections and Responses to Defendants' Subpoena to Produce Documents	24
Exhibit 3	Table of Contents, Beginning Bates Stamp GDNA00000001	26
Exhibit 4	Georgia Board of Pharmacy Meeting Minutes, dated October 10, 2018, Beginning Bates Stamp GAB0P00000440	37
Exhibit 5	Plaintiff Cobb County's Supplemental and Amended Allegations to be Added to 'Short Form for Supplementing Complaint and Amending Defendants and Jury Demand''	41
Exhibit 6	Georgia Drugs and Narcotics Agency Website Pages - About Us	62
Exhibit 7	Georgia Code 26-4-5	67
Exhibit 8	Georgia Code 26-4-4	69
Exhibit 9	Retail Pharmacy Permit Inspection Form - Publix Pharmacy #1250, dated July 10, 2020, Beginning Bates Stamp GDNA00006179	90
Exhibit 10	Publix Pharmacy Licensee Information dated October 22, 1992	101

INDEX OF EXHIBITS, CONT'D

1			
2			
3	Exhibit 11	Multi-Page Document Entitled "Exhibit A"	106
4			
5	Exhibit 12	Georgia Prescription Drug Monitoring Program Press Release	115
6	Exhibit 13	November 13, 2019 Georgia Board of Pharmacy Meeting Minutes, Beginning Bates Stamp GABOP00000492	120
7			
8	Exhibit 14	Retail Pharmacy Permit Inspection Form - Kroger Drugstore #330, Beginning Bates Stamp GDNA00004448	128
9			
10	Exhibit 15	Georgia Drugs and Narcotics Agency Pharmacy Permit Inspection Forms of Kroger Drug Store #335, Beginning Bates Stamp GDNA00004487	141
11			
12	Exhibit 16	Georgia Drugs and Narcotics Agency Pharmacy Permit Inspection Forms of Kroger Drug Store #356, Beginning Bates Stamp GDNA00004507	142
13			
14	Exhibit 17	Georgia Drugs and Narcotics Agency Pharmacy Permit Inspection Forms of Kroger Drug Store #365, Beginning Bates Stamp GDNA00004531	149
15			
16	Exhibit 18	Georgia Drugs and Narcotic Agency's Objections and Responses to Defendants' Subpoena for a 30(B)(6) Deposition, Stamped CT8-GDNA-051	161
17			
18	Exhibit 19	Publix Supermarkets, Inc. Supplemental Objections and Responses to Plaintiff's Interrogatories to Chain Pharmacy Defendants, Stamped P-PUB-0023	215
19			
20			
21			
22			
23			
24			
25			

INDEX OF EXHIBITS, CONT'D

1			
2			
3	Exhibit 20	Publix #769 Retail Pharmacy Permit Inspections Forms, Stamped CT8-GDNA-18-A	219
4			
5	Exhibit 21	Pharmacy Retail Pharmacy Permit Inspection Forms - Kroger 580, Stamped CT8-GDNA-092	224
6			
7	Exhibit 22	E-Mail String Stamped CT8-GDNA-031	236
8			
9	Exhibit 23	E-Mail String Stamped P-PUB-0281	251
10			
11	Exhibit 24	E-Mail String Stamped P-PUB-0592	251
12			
13	Exhibit 25	E-Mail from Robert L. Willard to William Westenberger, dated February 3, 2010, Stamped CT8-GDNA-088	260
14			
15	Exhibit 26	E-Mail from Dennis Troughton to William Westenberger, dated March 3, 2010, Stamped CT8-GDNA-090	260
16			
17	Exhibit 27	Article Entitled "Short-Lived Pain Clinic Sets Off Legal 'Whirlwind,'" Stamped CT8-GDNA-057	261
18			
19	Exhibit 28	E-Mail String Stamped CT8-GDNA-069	275
20			
21	Exhibit 29	Spreadsheet - PUB Sadler Rx Fills - Cobb, Stamped CT8-GDNA-071	281
22			
23	Exhibit 30	Spreadsheet - PUB Sadler Rx Fills, Stamped CT8-GDNA-071	282
24			
25	Exhibit 31	E-Mail String Stamped CT8-GDNA-091	290
	Exhibit 32	E-Mail from Stacy Burke to Chad Madill, dated May 18, 2018, Re: Board Meeting Info, Stamped CT8-GDNA-065	313

INDEX OF EXHIBITS, CONT'D

Exhibit 33	Georgia Pharmacy Convention 2020	314
	Slide Deck - Take Charge! Own	
	Your Role as a Member of the	
	Pharmacy Team, Stamped	
	CT8-GDNA-055	
Exhibit 34	Georgia Pharmacy Convention 2020	314
	Slide Deck - Take Charge! Own	
	Your Role as a Member of the	
	Pharmacy Team, Stamped	
	CT8-GDNA-056	
Exhibit 35	Article Entitled "Pharmacist	331
	Workload and its Correlation to	
	Patient Outcomes and Adverse	
	Medication Events," Stamped	
	CT8-GDNA-086	
Exhibit 36	Georgia Pharmacy Association	336
	Journal February/March 2022,	
	Stamped CT8-GDNA-054	
Exhibit 37	E-Mail from Andrew Cantor to Kay	342
	Newham, dated July 18, 2019,	
	Stamped CT8-GDNA-085	

1 THE VIDEOGRAPHER: Today's date is
2 September 14, 2023. We're on the record at
3 9:24. This deposition is in the matter of the
4 National Prescription Opiate Litigation. The
5 witness today is located in Atlanta, Georgia.

6 Please note that this deposition
7 is being conducted virtually by Veritext.
8 Quality of recording depends on the quality of
9 camera, microphone and internet connection of
10 participants.

11 All appearances will be noted on
12 the stenographic record.

13 And the court reporter may swear
14 in the witness.

15 DENNIS M. TROUGHTON, SR., of lawful age,
16 called for examination, as provided by the
17 Federal Rules of Civil Procedure, being by me
18 first duly sworn, as hereinafter certified,
19 deposed and said as follows:

20 EXAMINATION OF DENNIS M. TROUGHTON, SR.
21 BY MS. WHITE:

22 Q. Okay. Good morning, Director
23 Troughton.

24 A. Good morning.

25 Q. I met you briefly off the record.

1 My name is Meredith White. I'm a lawyer for
2 Publix Supermarkets, Inc. in this lawsuit
3 filed by Cobb County, Georgia. There's
4 another Defendant in this matter, Kroger, so
5 sometimes I may refer to them as the pharmacy
6 Defendants. Is that okay with you?

7 A. Yes, ma'am.

8 Q. Could you please state your full
9 name for the record?

10 A. Dennis Michael Troughton, Sr.

11 Q. Have you ever gone by any other
12 names?

13 A. No.

14 Q. Without giving us your street
15 address, what city do you currently live in?

16 A. Beaufort, Georgia.

17 Q. And what county is that in?

18 A. Gwinette.

19 Q. How long have you lived in
20 Gwinette County?

21 A. 27 years.

22 Q. Have you ever lived in Cobb
23 County?

24 A. Yes.

25 Q. When did you live in Cobb County?

1 that Publix --

2 MS. FITZPATRICK: Let's scroll all
3 the way down, if you don't mind.

4 Q. Publix has filled prescriptions,
5 opioid prescriptions, for this Dr. Cynthia
6 Sadler, who is working at this pill mill
7 clinic, as late as 2017. That's almost 17
8 years after the raids and then it was shut
9 down.

10 Do you see that?

11 A. I do.

12 Q. She's got some in 2011, 2012. And
13 this is in Cobb County, sir. This isn't all
14 around the country. This is Cobb County, all
15 right?

16 Now let's take a look at -- and,
17 again, all after there's this notice that this
18 is a pill mill and you've got problems at this
19 place. Even Publix knows, right? Even Publix
20 knows. Now -- and I'll -- let's -- we're
21 going to go to what I have marked as Exhibit
22 Number 30, which is the first tab, okay, and
23 it's basically the same thing that I just went
24 over with you, except for this time I didn't
25 limit to prescriptions -- I did not limit it

1 to prescriptions filled necessarily after that
2 date in 2010. You can see here there's some
3 2008 ones, okay? And if you scroll down, you
4 can see that these are for -- these are
5 prescriptions of that doctor, Dr. Sadler,
6 filled by Publix across Georgia, okay? Not
7 all of them, but just as of 2008, okay? So if
8 you scroll down, you can see here that you got
9 around 168 prescriptions filled by Publix
10 pharmacies in Georgia where this known pill
11 mill doctor was working at the George
12 brothers' clinic, right? And what I call your
13 attention to, sir --

14 MS. FITZPATRICK: And, Jake if you
15 would -- perfect. Thank you.

16 Q. Look at how late these fills are,
17 sir. Do you see this, 2017, 2018? Do you see
18 that?

19 A. I do see it.

20 Q. Almost a hundred prescriptions
21 filled by Publix pharmacies in Georgia for
22 Dr. Sadler after the Florida indictment of
23 these brothers and after Georgia local and
24 state authorities shut down the pain clinic,
25 right?

1 A. Yes.

2 Q. Now, sir, do you recall that after
3 this incident with the Pain Express clinic
4 being shut down, that Cobb County and other
5 counties in Georgia passed moratoriums to
6 outlaw pain clinics or -- excuse me, outlaw
7 medical clinics, particularly pain clinics,
8 that were not owned by a physician? Do you
9 recall that?

10 A. I do.

11 Q. And do you recall that it wasn't
12 just Cobb, it was Marietta, Powder Springs?
13 Do you recall that?

14 A. You know, not specifically those
15 from that many years ago, but I do recall a
16 movement in some areas where they were
17 attempting to do different things and use
18 different methods from a government standpoint
19 to prevent pill mill type operations from
20 opening up in their areas, so I can only take
21 your word for it.

22 Q. Yes, sir. We'll just do this --
23 we'll do this to make it easy real quick.
24 Let's mark as Exhibit -- let's mark as Exhibit
25 Number 31 -- is that right, yep, 31 -- what